

REMARKS

Claims 8-19 are pending in the present application.

Reexamination of the application and reconsideration of the rejections and objections are respectfully requested in view of the above amendments and the following remarks, which follow the order set forth in the Office Action.

Examiner Interview

Applicants thank Examiners Schlientz and Pak for the productive interview on June 14, 2011, in which the content of various references were discussed. The Examiners indicated that outstanding rejections will be reconsidered upon filing a response to the office action.

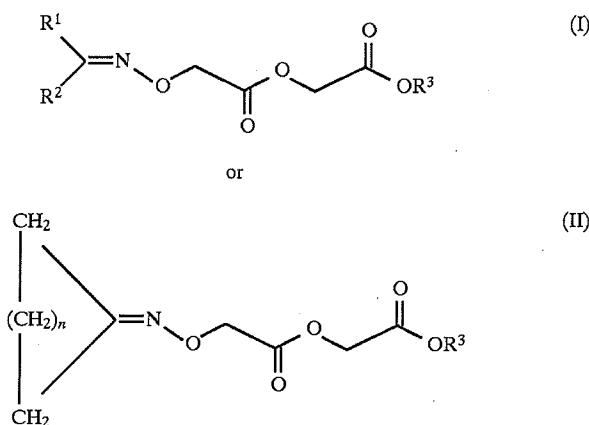
Rejections under 35 U.S.C. § 103

The Office Action rejected claims 8-10 and 19 under 35 U.S.C. §103(a) as being obvious over the combined teachings of Bartlett et al. (Pest Management Science, 2002, 58, 649-662.), Gullino et al. (Crop Protection, 2000, 19, 1-11), Müller et al. (WO 97/40688), Rademacher et al. (US 5,869,424), Elad (The Netherlands Journal of Plant Pathology, 1993, 99, 105-113), and Grover et al (Plant Physiology, 1976, 57, 886-889). Applicants respectfully traverse the rejection. Applicants respectfully traverse the rejection.

Independent claim 19 recites a mixture, comprising pyraclostrobin and prohexadione-Ca in a weight ratio of from 20:1 to 0.05:1.

Applicants submit that the cited references do not motivate or reasonably suggest to the skilled artisan to prepare the claimed mixture. The Office action relies on *Bartlett* and *Gullino* as suggesting combining inhibitors of ethylene biosynthesis. However, claim 19 does not recite two ethylene biosynthesis inhibitors. Thus, *Bartlett* and *Gullino*, singly or in combination, do not teach or reasonably suggest combining pyraclostrobin with prohexadione-Ca. *Rademacher* does not cure this defect because it merely discloses combining specified ethylene inhibitors with growth plant regulators. According to *Rademacher*,

The compositions and methods contain combinations of plant growth regulators such as plant growth retardants and inhibitors of ethylene biosynthesis or action. The ethylene inhibitors comprise substituted oxime-ethers having the general formula:



where R1 and R2 independently of one another are C1-C6-alkyl, n is 2 or 3 and R3 is hydrogen or C1-C6-alkyl. Specific inhibitors of ethylene biosynthesis or action include: {[isopropylidene]-amino]oxy}-acetic acid-2-(methoxy)-2-oxoethyl ester, {[isopropylidene]-amino]oxy}-acetic acid-2-(hexyloxy)-2-oxoethyl ester, {{cyclohexylidene)-amino]oxy}-acetic acid-2-(isopropylxyloxy)-2-oxoethyl ester (methoxy)-2-oxoethyl ester, {[isopropylidene)-amino]oxy acetic acid, aminoxyacetic acid, aminoethoxyvinylglycine, rhizobitoxine, silver ions (e.g. silver thiosulfate), and 2,5-norbornadiene.

Rademacher, Abstract. None of these chemicals is structurally or biologically related to strobilurins. Even if the skilled artisan were to consider combining a plant growth retardant with an inhibitor of ethylene biosynthesis, he or she would not be looking for a fungicide that may have secondary effect on ethylene biosynthesis. Rather, the skilled artisan would be looking for ethylene biosynthesis inhibitors. Absent hindsight reconstruction in combining six prior art references, one of ordinary skill in the art would not have been motivated to arrive at the claimed composition of pyraclostrobin and prohexadione-Ca at the claimed weight ratios. As such, the claims of the present application, which recite a combination of pyraclostrobin and prohexadione-Ca, are unobvious over the prior art. Applicants respectfully request withdrawal of the rejection.

Right to Rejoinder

Upon finding product claim 19 allowable, withdrawn claims 11-18 should be rejoined for substantive prosecution because they are directed to a process and depend from or otherwise contain all the limitations of the allowable product claim 19. Under MPEP 821.04(b), "if applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder."

For the foregoing reasons, claims 8-19 are considered allowable. A Notice to this effect is respectfully requested. If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

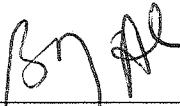
The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

BRINKS HOFER GILSON & LIONE

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